

**33-17.14. BR—Business Retail District.**

- (a) *Statement of intent.* The purpose of this district is to provide for the retail and service needs of the DeLand area. This district does not provide for residential uses.

BR—BUSINESS RETAIL DISTRICT	
ALLOWED USES: Uses allowed in this district appear in Table 33-17.23	
DIMENSIONAL REQUIREMENTS	
MINIMUM LOT DIMENSIONS	
MINIMUM WIDTH	75 feet
	9,000 square feet
SETBACKS/BUILDING SEPARATION/IMPERVIOUS SURFACE LIMITATIONS	
Maximum impervious surface	70 percent
Front setback	20 feet
Side setback, abutting residentially zoned property	25 feet
Side setback, other	10 feet
Rear setback, abutting residentially zoned property	25 feet
Rear setback, other	10 feet
BUILDING DIMENSIONS	
Maximum height	80 feet
Floor area ratio	0.25
ADDITIONAL REQUIREMENTS	
MINIMUM REQUIREMENTS FOR DRIVEWAYS AND PARKING	
The minimum separation required between vehicle use areas and the property line is ten feet. Staff may adjust in conjunction with redevelopment or change in use where the separation is less or absent.	
Off-street parking spaces compliant with section 33-91 are required.	
Parking on grass and sidewalks is prohibited. Vehicle use areas must be paved with concrete, asphalt concrete or industry recognized porous paving approved by the city's engineer, except as listed in 33-91.06(d)3. Paved areas must be included in the site's impervious surface calculation.	
MINIMUM REQUIREMENT FOR STORMWATER MANAGEMENT	
Stormwater generated by, during and after construction or improvement must be contained on-site or within a communal stormwater collection and management system permitted by the state.	
MINIMUM REQUIREMENTS FOR WATER AND SEWER	
Application for and connection to municipal water and sewer is required within areas served by the city.	
MINIMUM REQUIREMENTS FOR LOTS WHERE SEPTIC TANKS ARE USED	
SEWER/WATER SYSTEM	LOT AREA
Septic tank with individual well	1-acre per unit
Aerobic tank with individual well	1-acre per unit
Septic tank with public water supply	½-acre per unit
REQUIREMENTS FOR TREE COVERAGE	
Historic trees and trees utilized to meet the minimum tree protection requirement or trees located inside a designated tree protection area, as defined in article VI of chapter 33, may not be removed without application and approval of a permit by the city. Dedication of 15 percent of the property for tree preservation is required.	
LANDSCAPING AND SIGNS	
Landscaped buffers are required along street frontages where developments are proposed (article VIII of chapter 33). Additional buffer and sign requirements apply to developments within and/or along special overlay districts (article IV of chapter 33).	

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OUTDOOR STORAGE AND DISPLAY
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Unless otherwise prohibited in the list of primary, conditional or special-exception uses for each zoning district, outdoor display of equipment, supplies, merchandise, or personal property is permitted in compliance with section 33-27.04.
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TRAFFIC IMPACT ANALYSIS
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Calculation and submittal of average annual daily trips is required for all developments. The developer of any development which will generate 1,000 or more average annual daily trip (AADT) ends per day, as determined by reference to the Institute of Traffic Engineers Trip Generation Manual or to locally derived trip generation rates accepted by the city as accurate, shall provide the city with a traffic impact analysis prepared by a qualified traffic engineer at the time application is made for approval of a site plan or preliminary plat. See also section [33-41.04(a)1.].
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COMMUNITY DESIGN STANDARDS
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Site and building aesthetics need to comply with the Community Design Standards (article VIII, section 33-94).
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**Sec. 33-17. Zoning districts.**

The following table insert contains an overview of uses allowed in the residential and the educational zoning districts. Information specific to each zoning district follows in individual tables. Uses allowed in other than residential districts appear in Table 33-17.23.

Use-specific data presented in the tables are identified as follows:

1. Primary uses and structures allowed in the following districts are indicated by the letter "P."
2. Conditional uses may be allowed in a district where compliance with restrictions related to that use are met. Conditional uses are indicated by the letter "C." The restrictions for conditional uses are either stated or discussed in section 33-19, as indicated by an asterisk (\*) or superscript number. Blank spaces indicate the use is not permitted in that district.
3. Certain uses may be allowed in certain district by special exception only. Further details regarding these exceptions appear in section 33-18. Uses allowed by special exception are indicated by the letter "E," and, where applicable, the restriction detail is identified by superscript number.

USES	R-R	R-R1	R-1AA	R-1A	R-1B	R-1	R-1C	R-2	R-8	R-12	R-16	R-M	E-1
Single-family dwellings except mobile homes	P	P	P	P	P	P	P						P
Single-family dwellings compliant with R-1								P	C	C			
Two-family dwellings and duplexes								P					P
Two-family dwellings and duplexes, comply R-2									C	C			
Multiple-family dwellings									P	P	P		P
Accessory Dwelling Units	C	C	C	C	C	C	C						C
Dormitories													P
Mobile homes, tenant or lease residence												P	
Mobile home sales on site lots and housing units												P	
Recreation or laundry facilities												P	
Park management office buildings												P	
Bed and breakfast homestay, accessory	P	P	P	P	P	P	P	P					
Bed and breakfast inn, accessory									P	P	P		
Day care facilities													P
Family day care home	P	P	P	P	P	P	P	P	P	P	P		

Community residential homes, single-family*	C	C	C	C	C	C	C	P	C	C	C	C	C
Community residential homes, multifamily*									C	C			C
Nursing homes and adult congregate living									E	E	E		
Community and Market Gardens	E <sup>1</sup>	E <sup>1</sup>	E <sup>1</sup>	E <sup>1</sup>	E <sup>1</sup>	E <sup>1</sup>	E <sup>1</sup>	E <sup>1</sup>	E <sup>1</sup>	E <sup>1</sup>	E <sup>1</sup>	E <sup>1</sup>	E <sup>1</sup>
Mini and neighborhood parks	P	P	P	P	P	P	P	P	P	P	P	P	P
Community and regional parks	E	E	E	E	E	E	E	E	E	E	E	E	E
Private parks	E	E	E	E	E	E	E	E	E	E	E		
Golf courses and their related structures	E	E	E	E	E	E	E	E	E	E	E	E	E
Private clubs and lodges	E	E									P		P
Churches with accessory education and recreation	E	E	E	E	E	E	E	E	E	E	E	E	P
Government or public buildings and land uses	E	E	E	E	E	E	E	E	E	E	E	E	P
Cemeteries	E <sup>4</sup>	E <sup>4</sup>	E <sup>4</sup>	E <sup>4</sup>	E <sup>4</sup>	E <sup>4</sup>	E <sup>4</sup>	E <sup>4</sup>	E <sup>4</sup>	E <sup>4</sup>	E <sup>4</sup>		
Veterinary clinics, groom and outdoor boarding	E												
Colleges and universities						P	P						P
Public, private and parochial schools												P	P
Printing and lithography, not to exceed 2,000 square feet													C
Shade structure up to 800 square feet													P
Shade structure over 800 square feet													E
Microwave, radio, phone, TV facilities and towers													E
Communication towers	See section 33-23												
Other uses approved by the city commission <sup>1</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P

<sup>1</sup> Other uses approved by the city commission after review and recommendation by the planning board, which are unquestionably similar to those uses permitted herein.

**33-17.23. Allowed uses in commercial and industrial zoning districts.**

The following table insert contains an overview of uses allowed in the commercial and industrial zoning districts. Information specific to each zoning district follows in individual tables.

Use specific data presented in the tables are identified as follows:

1. Primary uses and structures allowed in the following districts are indicated by the letter "P."
2. Conditional uses may be allowed in a district where compliance with restrictions related to that use are met. Conditional uses are indicated by the letter "C." The restrictions for conditional uses are either stated in the table or discussed in section 33-19, as identified by footnote.
3. Certain uses may be allowed in certain districts by special exception only. Further details regarding these exceptions appear in section 33-20. Uses allowed by special exception only are indicated by the letter "E" and further described by footnote.
4. Uses with situational requirements which allow the use to fall into more than one use category are indicated by both categories, such as P/E. Development under this classification depends upon meeting the requirements of the category applicable to the site's specific conditions.

<b>USES IN COMMERCIAL ZONING DISTRICTS</b>									
<b>USES</b>	<b>P-1</b>	<b>BR</b>	<b>C-1</b>	<b>C-2</b>	<b>C-2A</b>	<b>C-2AC</b>	<b>C-3</b>	<b>C-4</b>	<b>M-1</b>
<b>PROFESSIONAL</b>									
General/Professional Offices	P	P	P	P	P	P	P/E <sup>19</sup>	P	P
Financial Institutions	P	P	P	P	C <sup>20</sup>	P			P
<b>MEDICAL SUPPORT (See also Section 33-19.11)</b>									
Medical office	P	P	P	P	P	P			
Apothecary shops	P		C <sup>15</sup>						
Drugstores and pharmacies	P	P		P	P	P			
Hospitals				P					
Laboratories, hospitals and clinics	E <sup>15</sup>		P	P	P	P			
Medical clinics over 5,000 square feet	E <sup>15</sup>	E <sup>15</sup>		P	P	P			
Nursing homes and adult congregate living facilities			P	P	P	P			
Veterinary clinics and doggie daycare facilities allowing inside overnight boarding, with no outside runs or kennels	C	C		C	C	C			
Veterinary clinics, doggie daycare facilities, and pet grooming shops with overnight and/or outdoor boarding facilities and runs				E <sup>30</sup>					P
<b>BUSINESS SUPPORT</b>									
Mailbox and shipping shops		P	P	P	P	P			

Office equipment sales and service		P		P		P/C <sup>4</sup>		P	
Copying, printing and lithography		P	P	P	P	P	P/E <sup>19</sup>	P	P
Showroom commercial						P	P/E <sup>19</sup>	P	P
<b>PERSONAL SERVICES</b>									
Beauty salons, barbershops and day spas		P	P	P	P	P			
Day care facilities, adult or child	P	P	P	P	P		E <sup>10</sup>	C <sup>2</sup>	C <sup>2</sup> E <sup>10</sup>
Dry cleaning and laundry, industrial						P		P	P
Dry cleaning and laundry, retail		P	C <sup>3</sup>	P	P	P		P	
Dry cleaning and laundry, self-service		P		P	P				
Mortuary, funeral homes and crematoriums		P		P	P				P
Pet shops and pet grooming with no overnight boarding of animals		C	C	C	C				
Tailor shops and shoe repair		P		P	P				
Tattoo and body piercing establishments, per section 33-19.09				C*	C*				
<b>HOSPITALITY</b>									
Adult entertainment establishments, per section 33-22 and chapter 2C of the DeLand code of ordinances									C*
Banquet facilities		P		P	P	P		E <sup>3</sup>	E <sup>3</sup>
Bed and breakfast inn	C <sup>19</sup>	P	P	P	P				
Catering services		P	P	P	P	P			P
Craft Food and Beverage Producer				P	P	P	C/E <sup>19</sup>		P
Hotels or motels and associated accessory uses including restaurant and conference facilities		P	C <sup>5</sup>	P	P				C <sup>6</sup>
Uses requiring a DBPR 3PS liquor license (package sales) or 4COP liquor license (bars, lounges, etc.)		E <sup>17</sup>	E <sup>17</sup>	E <sup>17</sup>	E <sup>17</sup>	E <sup>17</sup>		E <sup>17</sup>	E <sup>17</sup>
Package sales where beer and/or wine (no liquor) are sold for consumption off-premises with DBPR 2APS license		C	C	C	C	C		C	
Restaurants, except fast food and/or drive through facilities			P			P			
Restaurants including fast food and/or drive through facilities		P		P	C <sup>20</sup>				P
Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or 4COP license with special class		C	C	C	C	C		C	C

Virtual kitchen		C <sup>25</sup>	C <sup>25</sup>	P	P	P			C <sup>25</sup>
<b>FOOD SERVICE AND INDUSTRY</b>									
Bakery, pastry, gourmet, coffee and specialty beverage shops (retail)		P	P	P	P	P			
Bakery products manufacturing or wholesale						P		P	P
Bakeries wholesale, up to 1,000 square feet of floor area			C	C	C				
Community and market gardens	Per Chapter 33, Section 33-24								
Food products manufacturing									P
Freezer locker rentals						P		P	P
Fruit and vegetable handlers or processors									P
Grain blending and packaging, but not milling									C
Grocery, vegetable, fruit, fish, meat, dairy and poultry products wholesale						C		P	P
Milk, dairy, creamery, beverage bottling, processing and wholesale plants								P	P
<b>VEHICULAR (See also Section 33-19.12)</b>									
Airports, Helipads city owned, and airport operations									P
Airports, Helipads private, and airport operations									E <sup>20</sup>
Automobile repair				E <sup>2</sup>		P/C <sup>21</sup>	P/E <sup>1</sup>	C <sup>21</sup>	P
Automobile service station See also section 33-19.06				C*					P
Automotive and bus repair, including body shops and bus garages and storage of trucks and heavy equipment									P
Junk, waste or salvage yard									E <sup>13</sup>
Marine manufacturing, sales and service See also section 33-21									P
Marine repair		E <sup>14</sup>		C <sup>7</sup>		P	P/E <sup>14</sup>		
Mobile home sales See also section 33-21								P	P
Railroad yards, siding and terminals							P		P
Towing and wrecker service				C <sup>21</sup>				P	P
Truck and rail freight terminals								P	P
Truck stops				E <sup>28</sup>					P

Vehicle sales and rental including new and used automobiles, boats, motorcycles, trailers and trucks See also section 33-21				E <sup>23</sup> E <sup>29</sup>		P			P
Vehicle sales, rental, service, repair new/used buses, RVs and farm equipment See also section 33-21						E <sup>23</sup> E <sup>29</sup>		P	P
<b>RETAIL</b>									
Auction sales shop						P		P	P
Convenience stores without gas pumps				P	P	P			P
Convenience stores with gas pumps, per section 33-19.08		E		C*					P
Fertilizer and feed store sales excluding manufacturing						C		P	
Flea markets and merchandising barns or marts, per section 33-19.03				C*					
Furniture, appliances retail		P		P	P	P			
Furniture, appliances wholesale					P	P		P	P
Grocery		P		P	P	C			
Home improvement store		P		P		P		P	P
Pawn Shops				P					
Retail sales		P	P	P	P	P	C <sup>8</sup>	C <sup>8</sup>	C <sup>8, 20</sup>
Retail and service land uses									C <sup>20</sup>
Retail sale of storage sheds				E <sup>27</sup>					P
Used materials, sales or thrift shops; not including junk yards		P		P	P			C	
<b>RESIDENTIAL (See also Section 33-20)</b>									
Boarding houses				P					
Community residential homes Multifamily—Per Section 33-19.02	C*					C*			
Community residential homes Single-family—Per Section 33-19.02	C*								
Convalescent, rest and nursing homes; institutions and homes for children, the aged and the disabled	P	E <sup>16</sup>		P					
Garden communities			C						
Multiple-family dwellings compliant with R-16 standards				C		C			
Multiple-family dwellings and duplexes compliant with R-12 standards			C						

Residential dwelling units on the first floor Per Section 33-19.13					C*				
Residential dwelling units above the first floor or one residential unit on the first- floor accessory to an office or commercial use			C	C	C	C			
Single-family dwellings, except mobile homes	P				C <sup>26</sup>				
Single-family dwelling complaint with R-1 standards not located within the highway commercial land use areas			C		C <sup>26</sup>	C			
Two-family dwelling and duplexes compliant with R-2 standards			C		C <sup>26</sup>	C			
<b>INSTITUTIONAL</b>									
Business colleges, professional or commercial schools				P	P	P			
Churches, houses of worship and religious institutions with customary accessory educational and recreational uses	E <sup>5</sup>	E <sup>5</sup>	E <sup>5</sup>	P	E <sup>5</sup>	P	E <sup>5</sup>	P	E <sup>5</sup>
Government and public land uses and buildings	P	P	P	P	P	P	P	P	P
Industrial vocational training school						P			P
Private clubs and lodges	P	C <sup>9</sup>	P	C <sup>9</sup>	C <sup>9</sup>	P		P	P
<b>RECREATION</b>									
Bowling alleys, billiard parlors, skating rinks and indoor recreation and amusement facilities and museums				P		P			P
Carnivals and other temporary amusements and events in accordance with section 33-19									C
Museums	P			P	P	P			P
Music, dance, gymnasium, art school or studio, excluding discotheques			P	P	P		P		E <sup>12</sup>
Nonprofit recreational organizations, lodges and fraternal orders									P
Organized physical activity center— predominantly scheduled instruction				P			P		E <sup>12</sup>
Outdoor recreation land use Per section 33-19.10									C*
Parks, community and regional	E <sup>8</sup>	E <sup>8</sup>	E <sup>8</sup>	E <sup>8</sup>	E <sup>8</sup>			P	E <sup>8</sup>
Parks, mini and neighborhood	P		P	P	P			P	

Recreational vehicle parks Per section 33-19.07									C*
Theatres and assembly halls		P		P	P	P			
<b>TRADES</b>									
Building materials						C <sup>23</sup>		P	P
Contractor trade shops and yards						C <sup>23</sup>	P/E <sup>19</sup>	P	P
Electrical, gas, plumbing and HVAC sales/service				C <sup>23</sup>		C <sup>23</sup>			P
Greenhouses, nurseries and landscaping sales, retail				P		P		P	
Greenhouses, nurseries and landscaping sales, wholesale						C			P
Moving, packing and storage companies				C <sup>24</sup>		C <sup>24</sup>		P	P
Packing and crating services								P	
Pest control and exterminating services				P	P	C			P
Septic tank services								P	
Swimming pool sales, installation and service				P		P		P	P
Upholstering and reupholstering				P	P	P			P
Welding or soldering shops						C <sup>23</sup>			P
<b>INDUSTRIAL AND MANUFACTURING</b>									
Fuel storage and bulk supply plants							C <sup>13</sup>	P	
Coal, coke or wood yard									P
Laboratories, research, testing and development—Pharmaceutical products, drugs compounding only						P			P
Machine shop						C	P/E <sup>19</sup>		P
Manufacture of pottery or other ceramic products						C			P
Manufacturing - including assembly and fabrication operations						C <sup>23</sup>	C/E <sup>19</sup>	C <sup>14</sup>	P
Manufacturing - Craftsman shop			C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	P	C/E <sup>19</sup>		P
Manufacturing - Limited				C <sup>23</sup>		C <sup>23</sup>	C/E <sup>19</sup>		P
Medical marijuana treatment center cultivation and processing facilities									P
Microwave, radio, telephone and television facilities and transmission towers			E <sup>6</sup>	E <sup>6</sup>	E <sup>6</sup>			E <sup>6</sup>	E <sup>6</sup>
Mining and excavations per section 33-62 of article V of this chapter									C

Planing mill, saw mill, millwork and wood product manufacturing									E <sup>18</sup>
Recycling centers								P	P
Research and development facilities						P	P/E <sup>19</sup>		
Storage of bottled gas, natural gas or similar products									C <sup>19</sup>
Utilities excluding microwave, radio, telephone and television towers				C		C			
Warehousing and commercial storage				C <sup>24</sup>		C <sup>24</sup>	P/E <sup>19</sup>	P	P
Wholesale commercial activities						C		P	P
<b>MISCELLANEOUS</b>									
Commercial parking lots				P	P	P			P
Communications towers	Per Chapter 33, Section 33-23								
Outdoor advertising signs				C <sup>22</sup> / E <sup>24</sup>		C <sup>22</sup> / E <sup>24</sup>		C <sup>22</sup> / E <sup>24</sup>	C <sup>22</sup> / E <sup>24</sup>
Public utilities									P
Public utilities, excluding microwave, radio, telephone and television antennas		C						P	P
Shade structures less than 800 square feet, accessory use		C		C		C	C	C	C
Shade structures greater than 800 square feet, accessory use						E <sup>25</sup>	E <sup>25</sup>	E <sup>25</sup>	E <sup>25</sup>

(Ord. No. 2013-11, § 1, 8-5-13; Ord. No. 2013-18, § 3, 11-4-13; Ord. No. 2014-22, §§ 1–8, 11-3-14; Ord. No. 2017-24, §§ 2–7, 9-5-17; Ord. No. 2019-10, § 3, 5-6-19; Ord. No. 2020-26, § 2, 10-19-20; Ord. No. 2021-38, §§ 3–6, 11-15-21; Ord. No. 2022-06, § 1, 4-4-22; Ord. No. 2022-07, §§ 3–17, 5-16-22; Ord. No. 2023-17, § 2, 9-18-23; Ord. No. 2023-28, § 2, 12-4-23; Ord. No. 2024-01, § 3, 1-17-24; Ord. No. 2024-14, §§ 2–22, 5-6-24)